IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE JURISDICTION

CRIMINAL APPEAL NO.592 OF 2003

The State of Maharashtra ...Appellant

Vs.

Subhash Mahadev Parab ...Respondent

A.P.P. for the State

CORAM: V.G. PALSHIKAR &
ANOOP V. MOHTA, JJ.
DATED: 26TH OCTOBER, 2004.

P.C.

. By this appeal the State has challenged the acquittal of the accused under Section 394 of the Indian Penal Code.

. The accused was prosecuted under Section 394 of Indian Penal Code which is an armed robbery. The learned Judge on appreciation of the entire evidence came to the conclusion that there was factually an assault, but the prosecution failed to prove that there was any theft or that the assault was accompanied by theft. In such circumstances merely because there is a recovery of stolen articles it cannot be said that it is a case of robbery, the

acquittal given by the learned trial Judge is neither perverse nor illegal and therefore, there is no reason to interfere.

. Appeal dismissed.

(V.G.PALSHIKAR,J.)

(ANOOP V. MOHTA, J.)